

Notice of Allowability

Application No.

10/709,226

Examiner

Mark T. Le

Applicant(s)

SAMARIN, HOWARD

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing of the instant application.
2. ☒ The allowed claim(s) is/are 13-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date Jul, Aug '04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Examiner's Pro. Drwg. Corr.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Williams on August 31, 2005. The application has been amended as follows:

Claims 1-12 and 21-22 have been cancelled.

In claim 13, line 2, after the word "therein", the followings have been inserted -- , and a car flooring disposed on top of the frame --; and line 6, after the word "recesses", the followings have been inserted -- , and disposed between said frame and said flooring --.

In claim 14, lines 1-2 and claim 15, line 3, the expression "gondola-type" has been changed to --gondola--.

In claim 15, line 3, "a floor" has been changed to --said flooring-- so as to be consistent with the same recited in claim 13.

In the drawing, Figure 2, reference numeral "209" with the associated lead line is provided to show the recesses in frame section 204 (see the attached Examiner's Proposed Drawing Correction). Formal drawing including the examiner's proposed correction is now required.

In the specification, line 4 of paragraph [0016], "recesses" has been changed to --recesses 209--.

3. During the telephone interview conducted on August 31, 2005 with Mr. Williams, the examiner indicated that the original claim 13 was too broad to be defined over the prior art, and suggested a further limitation, as set forth above, to define the significance of the present invention. In response, Mr. Williams accepted the examiner's proposal and authorized the examiner's amendments set forth above.

REASON FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Model railcar weightings are well known in the art; however, the additional car weights are generally bonded to available voids, spaces, gaps in railcar's structure, such as underframes, or on the rail car floors. The drawbacks of such car weight attachments are poor aesthetics and realism, as indicated in the present disclosure.

The prior art of record, taking singly or in combination, does not suggest a model railcar having the combination of features as now recited in instant independent claim 13; wherein, the plurality of custom-machined lead alloy weights are specifically disposed in the plurality of railcar frame recesses and in between the railcar frame and the railcar flooring. Therefore, independent claim 13 along with claims 14-20 depending therefrom are considered to be defined over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (2:00-8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

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